

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA	:	21-cr-142 (SHS)
-against-	:	
	:	<u>ORDER</u>
KEVIN RICHARD DENNIS,	:	
Defendant.	:	

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SIDNEY H. STEIN, U.S. District Judge.

In late April of this year, defendant Kevin Dennis moved for a sentence reduction pursuant to 18 U.S.C. § 3582(c)(1), commonly referred to as the “compassionate release statute.” (ECF No. 71.) This Court subsequently denied that application in an Opinion & Order on the grounds that Dennis had not demonstrated “extraordinary and compelling reasons” warranting a reduction in his sentence and that a sentence reduction would not comport with the factors set forth in 18 U.S.C. § 3553(a). (ECF No. 72.)

Dennis now seeks reconsideration of that determination on the grounds that his health conditions have “changed rapidly” and have become “very severe.” (ECF No. 73.) Specifically, he states that he has developed “pterygium of the eyes that needs retractive surgery and will cause [him] to become blind” if not treated. He also describes the illnesses and difficulties suffered by his family due to his absence as well as the existence of COVID-19. However, family difficulties caused by a defendant’s incarceration do not by themselves justify compassionate release, *see United States v. John*, 2020 U.S. Dist. LEXIS 210355, at \*7 (S.D.N.Y. 2020), and they do not do so in this case. In addition, there are currently zero reported cases of COVID-19 among inmates at USP Lewisburg, where Dennis is incarcerated. *Inmate COVID-19 Data*, FEDERAL BUREAU OF PRISONS, [https://www.bop.gov/about/statistics/statistics\\_inmate\\_covid19.jsp](https://www.bop.gov/about/statistics/statistics_inmate_covid19.jsp) (last visited July 25, 2023).

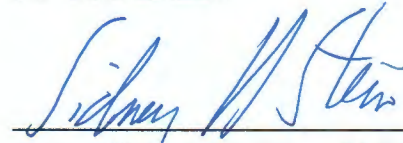
On June 12, the Court directed the Government to obtain Dennis’s BOP medical records and to respond to his motion for reconsideration of the Court’s denial of his compassionate release motion. (ECF Doc. No. 74.) Those records have been received and are currently filed under seal. They contain no reference to any complaint by Dennis while incarcerated concerning pterygium, a common and treatable eye condition. *See Pterygium (Surfer’s Eye)*, CLEVELAND CLINIC,

<https://my.clevelandclinic.org/health/diseases/22497-pterygium-surfers-eye> (last visited July 25, 2023); and *Pinguecula and Pterygium*, JOHNS HOPKINS MEDICINE, <https://www.hopkinsmedicine.org/health/conditions-and-diseases/pinguecula-and-pterygium> (last visited July 25, 2023). At his most recent clinic visit, on June 20, the sole issue Dennis raised was lower back pain (medical records, at 1-2); in addition, he had “no complaints” at his May 17 preventative health visit (medical records, at 3-5) and the record noted “No Significant Findings/No Apparent Distress.” Accordingly, Dennis presents no basis upon which to grant his motion.

IT IS HEREBY ORDERED that Dennis’s motion for reconsideration is denied. The Clerk of Court is directed to mail a copy of this Order to Dennis [21720-509] at USP Lewisburg, U.S. Penitentiary, P.O. Box 1000, Lewisburg, PA 17837.

Dated: New York, New York  
July 26, 2023

SO ORDERED:



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Sidney H. Stein, U.S.D.J.